Govtt. 31-37—15,000—15-11-35.

Development (1936) Department.

M. SERIES.

G.O. No. 466

DATED 23- 3- 1936.

[Despatch Abstract.]

Factories - Mallya Nayak Co., Cashewnut factory, Mangalore - South Kanara district - declared to be a factory under section 5(1) of the Factories Act.

Dev. 979-I
28-2-36

C.F. 30.

DEPARTMENT.

Received 19 *Registered* 19

Subject.

Factories - Mallya Nayak & Co., Cashew-nut factory, Mangalore South Kanara District - Notification under Section 5(1) Recommended.

81/25/2/36

Enclosures.
No. One

Spare copies

No. C.199/36

Station Madras *Dated the* 26th February 19 36.

From (Name) T.G. Rutherford, Esq., C.I.E., I.C.S.,

(Designation) Commissioner of Labour and Chief Inspector of Factories, Madras.

To The Secretary to the Government of Madras,

DEVELOPMENT Department:
FORT SAINT GEORGE, MADRAS.

Sir,

On an inspection of Mallya Nayak & Co., Cashew-nut factory, Mangalore, South Kanara District, by me on 23rd January 1936 I found that 300 to 400 women and under-aged children were employed and their hours of work were not regulated. The premises are ill-ventilated and over-crowded. The other large cashew-nut factories in Mangalore come under the Factory Act as they employ power on a small scale. Apart from the "unfair" competition, it appears to me undesirable that a factory of this size should be entirely ~~unregistered~~ unregulated as regards hours of work and sanitary conditions and I therefore request that the

the Government may be pleased to declare the above premises as a factory under Section 5(1) of the Act for the purposes of Chapter III (Sections 13, 14, 17 to 23 and 30), Chapter IV (Sections 34 to 38 and 45) and Chapter V (Sections 50 to 59 both inclusive) of the Factories Act, 1934 and the rules made thereunder. Notice was given to the Proprietors of the proposal to notify and a copy of their reply is enclosed.

F.G. Rutherford
27/2/36

Commissioner of Labour and
Chief Inspector of Factories.

GU
26/2/36.

M.R.
26/2/36.

ENCLOSURE.

Copy of letter dated 15-2-1936 from the Proprietor, Mallya Nayak Company, Mangalore, to the Chief Inspector of Factories, Madras.

Ref.-- Your letter No.199/36 dated 3-2-1936 (not received)
Factories - Mallya Nayak & Co., Cashew-nut factory, Mangalore - Notification of the premises as factory Objections.

With reference to your above letter, (received here on the 6th instant) we wish to state as follows:--

The provisions of Section 5(1) under which we have been called upon to submit our objections have no application to our concern as no manufacturing process is carried on whether with or without the aid of power.

Our concern is not a factory as defined in Section 2(j) as no manufacturing process is carried on withothe aid of power or is ordinarily so carried on and therefore we submit that the factories Act (1934) cannot be made applicable to us.

Further we beg to draw your kind attention to the fact that there is no want of proper space for the number of workers actually employed by us as the existing building is more than sufficient in every respect and in any case, when the additional building (in the course of construction) is completed, there could be no sort of any objection on the score of want of sanitation, space or ventilation.

As we had hardly sufficient time to get a plan made of our building and submit the same to you with expert opinion as to its fitness for the purpose, we request we may be allowed to do so hereafter.

We therefore beg to submit that you may be pleased to cancel the above recommendation to notify our concern as a factory under the Factories Act, 1934.

4

POST COPY OF TELEPHONE MESSAGE

Dated the 9th March 1936

From,

The Chief Inspector of Factories,
M a d r a s.

To

The Under Secretary to Government,
DEVELOPMENT DEPARTMENT,
M a d r a s.

S i r,

Ref. -- Your telephone message dated the 4th March 1936 regarding notification of Mallya Nayak Cashewnut Factory, Mangalore.

The process of manufacture is that of roasting, shelling and peeling cashewnuts.

for Chief Inspector of Factories
9/3/36.

pvr/9iii36

5

Dem. Dlpt

Sub:- Mallya Nayak Co., Tobacco-nut factory, Mangalore, South Kanara district. declared to be factory under section 5(2) of the Factories Act.

pp. 1-2 c/f. Letter from C.I.C. 199/36. d., 26-2-36.

To L.S.

The C.I. recommends that the factory may be declared as a factory for the purpose of Chapter III (sections 13, 14, 17 to 23 and 30), Chapter IV (sections 34 to 38 & 45) and Chapter V (sections 50 to 59) of the Factories Act, 1934. In the circumstances reported by him, the recommendation may be accepted. A draft order is submitted for approval. It may be sent to Law (Drfg.) deptt. for acceptance.

733 14 MAR 1936 LAW (DRAFTING) DEPARTMENT
14 MAR 1936 ASSISTANT SECRETARY TO GOVERNMENT LAW DEPT.

P.S. 9.3.36. Pak 12336

Hm 13/3/36

Dem. 2.6. 979 L/36-1 13-3-36.

Law (Drafting) Dept.

7

14/2/36

C.F.17.

DRAFT FOR APPROVAL.

Dev. Deptt.

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined..		
When signed ..		
When despatched.		

SUBJECT:—

Factories - Mallya Nayak Co., Cashewnut factory, Mangalore - South Kanara district - declared to be a factory under section 5 (1) of the Factories Act.

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____.

READ *ALSO*:—

C. No. 979-I/36 from the C.L. _____, No. C.199/36 dated 26-2-36 19____.

" _____ " _____ " _____ " _____ 19____.

" _____ " _____ " _____ " _____ 19____.

Order / ~~Resolution/Book~~ No. 466 dated 2-3-36 19 36.

The Government accept the recommendation of the Commissioner of Labour that the Mallya Nayak Co., Cashew-nut factory, Mangalore, should be declared a factory. The following notification will be published in the ~~Fort~~ Saint George Gazette:-

Notification.

Whereas the process of ~~manufacture~~ roasting, shelling and peeling cashew-nuts ~~is~~ are carried on within the premises of the Mallya Nayak Co., Cashew-nut factory, Mangalore, in the South Kanara district, :/

Dev. Fair copy 25-3-36

Fair Cr 1

Despatch docket

And whereas on the ~~23rd~~ 27th January 1936, about 300 to 400 women and children who are below age, were allowed to work in the ~~factories~~ factory, and their hours of work not regulated:

And Whereas in the said premises provision has not been made for the health and safety of the workers therein:

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 5 of the Factories Act, 1934 (XXV of 1934), the Governor in Council is hereby pleased to declare the said premises to be a factory for the purpose of Chapter III (sections 13, 14, 17, 18, 19, 20, 21, 22, 23 and 30), Chapter IV (sections 34, 35, 36, 37, ~~XXX~~, 38 and 45) and Chapter V (sections 50 to 59 both inclusive) of the said Act.

9, 13-14, 16-23, 25, 26, 30-32, 34-38, 45, 50-59, 66-77 and 71

To the C.L.
" District Magistrate, South Kanara.
" S.G.P. for publication of notification.

9-3-36
12-3-36
13/3/36